

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

04 CV 0273 (NG) (SMG)

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**FRANK X. GRAY JR., as President and Acting
Business Manager of the International Union of
Operating Engineers, Local 14-14B, AFL-CIO,
EDWIN L. CHRISTIAN, CHRIS CONFREY,
JOHN CRONIN, ALFRED GEROSA, FRANK X.
GRAY, JR., JOHN HYERS, THEODORE E. KING,
and JOHN F. O'HARE, as Trustees of the Annuity,
Pension, Welfare and Training Funds of the
International Union of Operating Engineers, Local
14-14B, AFL-CIO, and JOHN DOE and JANE DOE,
as beneficiaries of the Annuity, Pension, Welfare and
Training Funds of the International Union of
Operating Engineers, Local 14-14B, AFL-CIO,**

Plaintiffs,

- against -

ORDER

**FIVE BORO CONSTRUCTION NY, CORP.
and RICHARD COLABRO,**

Defendants.

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GERSHON, United States District Judge:

The unopposed report and recommendation of the Honorable Steven M. Gold, United States Magistrate Judge, is hereby adopted by this court. Plaintiffs' motion for default judgment against defendant Five Boro Construction NY, Corp. ("Five Boro") is granted. Five Boro is directed to (1) cooperate in the performance of an audit by plaintiffs' auditors, on a date set by plaintiffs, by providing all relevant books and records requested by plaintiffs' auditors for the period from February 20, 2002 through April 20, 2004; (2) pay any deficiency in fringe benefit contributions determined by the audit within thirty days after receiving notice of the deficiency, plus 6% interest calculated from the date on which the payments came due; (3) pay liquidated damages in an amount

equal to the amount of interest awarded; (4) pay all audit costs; and (5) pay attorneys' fees in the amount of \$2,125.00 and costs in the amount of \$340.00. The Clerk of Court is directed to enter judgment accordingly.

SO ORDERED.

/S/

NINA GERSHON

United States District Judge

Dated: Brooklyn, New York
September 23, 2005